

University of Essex Fixed Term Contracts

The University of Essex values the contribution of staff employed on fixed-term contracts, who play a key role in the success of the University, particularly in teaching and research. The University is committed to ensuring that fixed-term employees are treated equitably in all areas of employment, including in their terms and conditions, career and individual development, promotion and at the expiry of their contract.

A fixed-term contract is for a fixed period where the actual duration is specified from one date to another date OR when a specific event comes to an end or another event begins and the exact dates are not known e.g. until all the beans have been counted or until x returns from long-term sick leave. The latter is known as a limited event contract. Fixed term and limited event contracts which last for a continuous period of more than four years automatically, by operation of law, become permanent. The term 'fixed term' is used to describe both types of temporary contract.

The use of fixed-term contracts will continue to remain appropriate in certain circumstances where there is a clear business need. Such contracts will only be utilised where there is a transparent and objective justification at the time the contract is first established or upon renewal.

When a fixed-term contract is issued it will be accompanied by a covering letter which sets out the reasons that the contract is fixed term. The reason should be one, or more, of the following:

- Reason 1 Temporary cover for staff absence.**
Example maternity leave, long term sickness, parental leave, leave of absence or secondments.
- Reason 2 Specialist expertise required.**
Specialisms are required for a limited time to undertake particular, time-limited work, recent experience, or specialist practitioners not available within the University.
- Reason 3 Business demand above generally accepted fluctuations.**
Student or other business demands can be clearly demonstrated as particularly uncertain.
- Reason 4 Post established to deliver a specific project/task finite in nature.**
There is no anticipated requirement for such work beyond the completion of that task or project.
- Reason 5 Temporary funding source.**
Where funding is limited to a specific period and there is no reasonable or foreseeable prospect from the outset of this being extended.
- Reason 6 Compelling reason for rotation of appointments**
Where the nature and character of the post provides compelling, specified, reasons for rotating the appointments from time to time.

*Please note that this list is not exhaustive

Extensions

As the fixed-term contract end date approaches due consideration should be given to whether the need for the post has ceased or diminished in the context of the original objective justification. Any extension to the original post will need to have an allocated reason code. The advice of your Employee Relations Adviser should be taken before extending any fixed term contract.

Where a fixed-term position becomes permanent without any substantive change to the duties of the job, it will likely constitute an unfair dismissal not to appoint the incumbent. There is a clause in the academic fixed term statement of main terms and conditions of service which specifically alludes to this¹ and will be used to ensure that academic staff are not appointed outside the proper academic appointments procedure.

¹ “If this appointment is being made prior to a permanent appointment, it covers part of the duties of the new planned post only. The new post will be substantially different, for example, requiring the post holder to be research active and included in the 2020 REF and will therefore be advertised. The current post holder will not have a claim to it as the permanent incumbent. They may, of course, apply at the time of advertisement, to be considered with other candidates, if they meet all of the essential criteria for selection”.